IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

CRP.No. 392 of 2000(E)

AGAINST THE ORDER DATED 24/12/2000 IN IN LAR 46/87 IN CA.108/1999 of ADDL.SUB COURT,PARAVUR

.....

CIVIL REVN. PETITIONER/APPLICANT IN CA 112/99/DECREE ---------- HOLDER CLAIMANT IN LAR 116/85

ESTHAPPAN, S/O. POULO,
KAIPRAMBATTU HOUSE, (KAIPRAMBADAN),
EDALAKKADU KARA, MANJAPRA VILLAGE.

BY ADV. S.VIDYA SAGAR

RESPONDENT/RESPONDENT/JUDGMENT DEBTOR

STATE OF KERALA, REP.BY
GOVERNMENT PLEADER, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP. NO.392/2000

ORDER ON CMP. NO.766/2000 IN CRP. NO.392/2000

DISMISSED

16.11.2007 **SD/- HARUN-UL-RASHID, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

tss

HARUN-UL-RASHID, J.

C.R.P.No. 392 of 2000-E

Dated: November 16, 2007

ORDER

This revision petition is filed against the order of the court below dated 14.12.1999. The contention advanced by the decree-holders that they are entitled to interest on solatium was negatived by the court below. Hence this revision petition.

2. The Honourable Supreme Court in *Gurpreet Singh v. Union of India - 2006(8) SCC 457* had occasion to consider the question as to whether the decree-holders are entitled to claim interest on solatium even if the decree does not provide for the same. On the basis of the Supreme Court decision this court also decided the question in *Sankaranezhuthassan v. State of Kerala - 2007(4) KLT 492.* In the light of the above said decisions, the matter requires reconsideration by the court below. Therefore, the impugned order is set aside and the matter is remanded for fresh consideration in the light of the decision reported in *2006(8) KLT 457 and 2007(4) KLT 492.* The court below is directed to re-examine the matter and pass orders in the light of the observations made above. The order shall be passed within six months from today.

HARUN-UL-RASHID
JUDGE

mt/-

HARUN-UL-RASHID, J.

CRP 392 of 2000 - E

ORDER

16.11.2007